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HUMAN RIGHTS COMMITTEE

Sixty-third session

SUMMARY RECORD OF THE 1698th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 July 1998, at 3 p.m.

Chairperson: Ms. CHANET

later: Ms. MEDINA QUIROGA
(Vice-Chairperson)

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GE.98-17367 (E)

The meeting was called to order at 3.15 p.m.

DRAFT ANNUAL REPORT OF THE HUMAN RIGHTS COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 40 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 9) (CCPR/C/63/CRP.1/Add.1 and Corr.1, Add.2, Add.4 and Rev.1, Add.5, Add.7 and Add.8; CCPR/C/63/CRP.2/Add.2, Add.9 and Add.3)

1. Ms. EVATT (Rapporteur) said that she wished first of all to extend warmest thanks to Mr. de Zayas, Secretary of the Committee, and to all the secretariat staff for the considerable efforts they had made in preparing the draft report, without which the Committee would not have been able to complete its work in time. She drew attention to an informal document, distributed in English only and entitled "Notes and amendments", which contained proposed changes to various chapters of the draft report.

2. The CHAIRPERSON invited the members of the Committee to comment on the draft annual report chapter by chapter.

Chapter I (CCPR/C/63/CRP.1/Add.1 and Corr.1)

Paragraph 1

3. Ms. EVATT recalled that the Committee had decided to consider Kazakhstan and Tajikistan to be States parties to the Covenant by succession. The question was whether that decision should be reflected in the list of States which had ratified the Covenant despite the fact that the two countries in question were not included in the list of States parties held by the Legal Counsel. If the Committee thought it should, the number appearing in the text should be 142 instead of 140. The Committee had not set any date for the presentation of the two countries' reports to the Committee, and it also had to be ascertained whether they had been invited to the Meeting of States Parties.

4. Mr. POCAR proposed that it should be indicated in the body of the text that 140 States had ratified or acceded or succeeded to the Covenant and a footnote should be added indicating that two States - Kazakhstan and Tajikistan - had not made a declaration of succession to the Covenant but that the Committee considered them States parties by succession.

5. That proposal was approved.

6. Mr. LALLAH thought that the Committee would be wise to inform the Secretary-General that it considered Kazakhstan and Tajikistan to be States parties by succession. He was not sure, however, whether or not those two States ought to be invited to the Meeting of States Parties. The question was an important one and should be settled as soon as possible.

7. Mr. ANDO said that, in his view, Kazakhstan and Tajikistan did not have the status of States parties and therefore should not be invited to the Meeting of States Parties.

8. Ms. EVATT said that the two countries in question would probably not be invited as they did not appear on the official list of States parties.

9. The CHAIRPERSON proposed that the passage appearing in brackets in the first sentence should be omitted so as to avoid any confusion concerning Jamaica and Trinidad and Tobago.

10. Paragraph 1, as orally amended, was adopted.

Paragraphs 2-6

11. Paragraphs 2-6 were adopted.

Paragraph 7

12. Ms. EVATT said that the letter referred to in the paragraph was dated 10 July 1998. The text would be completed accordingly.

13. Paragraph 7 was adopted.

Paragraph 8

14. Replying to Mr. Pocar, who had suggested that the names of members who had been absent for a week or more should be mentioned in the report, the CHAIRPERSON recalled that when considering the preceding annual report the Committee had decided only to record absences for the whole session.

15. Paragraph 8 was adopted.

Paragraphs 9-11

16. Paragraphs 9-11 were adopted.

Paragraph 12

17. Lord COLVILLE said that the duties of Chairman/Rapporteur of the Working Group under article 40 had been undertaken not by Mr. Yalden but by himself. The text of the paragraph should be amended accordingly.

18. Paragraph 12, as orally amended, was adopted.

Paragraphs 13 and 14

19. Paragraphs 13 and 14 were adopted.

Paragraphs 15 and 16

20. The CHAIRPERSON wondered whether a separate section, which would have to be updated every year, should be devoted to the subject of denunciations.

21. Mr. LALLAH proposed that the title of the section ("Denunciation of the Optional Protocol by Jamaica and Trinidad and Tobago") should be deleted and paragraphs 15 and 16 placed after paragraph 4 of section A entitled "States parties to the International Covenant on Civil and Political Rights".

22. The CHAIRPERSON did not think it necessary to devote two separate paragraphs to the subject, especially as the case of Jamaica was dealt with extensively in the Committee's concluding observations, which would be annexed to the annual report.

23. Ms. EVATT shared that view, but thought that the measures taken by Trinidad and Tobago should be mentioned in some detail in the body of the report. If the Committee opted for that solution, it would have to decide whether or not it wished to refer to the discussions which had taken place between the Bureau of the Committee and the Minister for Foreign Affairs of Trinidad and Tobago and to the letter sent by the Chairperson to the State party on 9 April 1998.

24. Mr. POCAR thought it would be preferable not to tackle the issue of denunciations in that part of the report and to discuss it in greater depth in chapter VII ("Consideration of communications under the Optional Protocol" (CCPR/C/63/CRP.1/Add.4)). The case of Trinidad and Tobago could then be dealt with in a more detailed manner.

25. Mr. SCHEININ suggested that two footnotes referring, respectively, to the concluding observations in the case of Jamaica and to the general comments relating to the case of the Democratic People's Republic of Korea, should be added to the passage indicating the number of States parties to the Covenant and to the Optional Protocol in section A. As for Trinidad and Tobago, he was in favour of inserting in section A the passage proposed by Ms. Evatt in the document entitled "Notes and amendments", reading: "The Committee will consider the implications of the reservation in due course in the context of the reporting procedure or in procedures under the Optional Protocol".

26. Ms. EVATT said that she entirely endorsed that proposal. It would, however, be necessary to explain in a footnote that Trinidad and Tobago had denounced the Optional Protocol and had re-acceded on the same day subject to a reservation.

27. The CHAIRPERSON noted the Committee's decision to delete paragraphs 15 and 16 and to amend section A in the manner proposed by Mr. Scheinin and Ms. Evatt.

Chapter I (CCPR/C/63/CRP.1/Add.1/Corr.1) (Corrigendum)

Paragraphs 17 and 18

28. Ms. EVATT drew the attention of Committee members to the letter which the Chairperson had addressed on 29 October 1997 to the Ambassador of the Democratic People's Republic of Korea informing him that the Committee was the only competent body established by the Covenant to address State party reports submitted under article 40 of the Covenant. In view of the letter's importance, she proposed that its text should be annexed to the report.

29. The CHAIRPERSON said that, as the wording of paragraphs 17 and 18 was liable to reopen the polemic, it might be wise to add a footnote containing a reference to chapter VI (General Comments of the Committee under article 40, paragraph 4, of the Covenant) (CCPR/C/63/CRP.1/Add.5) and a further reference to the corresponding annex.

30. Paragraphs 17 and 18 were adopted subject to the Chairperson's suggestion.

Paragraph 19

31. Paragraph 19 was adopted.

Paragraph 20

32. Mr. ANDO suggested the deletion of paragraph 20, which duplicated paragraph 28 appearing in document CCPR/C/63/CRP.1/Add.2.

33. Paragraph 20 was deleted.

34. Ms. EVATT drew attention to a text in the list of proposed amendments which concerned the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties. She proposed that the letter dated 9 April 1998 addressed by the Chairperson to Mr. Pellet, Chairman of the Commission, expressing concern about the conclusion set out in paragraph 12 of the said conclusions should be annexed to the annual report of the Committee. The text of the proposed addition read as follows: "On 24 November Mr. Alain Pellet, Chairman of the International Law Commission and Special Rapporteur on reservations to treaties, wrote to the Chairperson of the Committee to invite the Committee to comment on the Commission's preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties. The preliminary conclusions were considered at the sixty-second session in light of the Committee's General Comment No. 24 on issues relating to reservations. On 9 April the Committee requested the Chairperson to write to Mr. Pellet to inform him of the Committee's first reactions to the preliminary conclusions. In her letter to Mr. Pellet, the Chairperson expressed concern about the conclusion set out in paragraph 12 of the Commission's preliminary conclusions. The Committee considers that regional human rights monitoring bodies are not the only intergovernmental institutions which participate in and contribute to the development of practices and rules in that area and that international monitoring bodies such as the Human Rights Committee play a no less important role in the process and are therefore entitled to participate in and contribute to it. The letter also pointed out that it should be recognized that the proposition enunciated by the Commission in paragraph 10 of the preliminary conclusions is subject to modification as practices and rules developed by universal and regional monitoring bodies gain general acceptance." She proposed that the above text be incorporated in the report in place of paragraph 20.

35. Lord COLVILLE said that the letter was a perfect reflection of the Committee's point of view. He therefore proposed that its text should be reproduced in full in the annual report of the Committee.

36. Mr. POCAR endorsed that proposal.

37. Chapter I of the draft report (CCPR/C/63/CRP.1/Add.1 and Corr.1) was adopted.

38. Ms. Medina Quiroga took the Chair.

Chapter I (continued); chapters II, III and IV (CCPR/C/63/CRP.1/Add.2)

Paragraphs 21 and 22

39. Ms. EVATT said that the representative of UNHCR referred to in the first sentence of paragraph 21 should be identified by name and that the subsequent sentences should be transferred to the end of paragraph 23 or the beginning of paragraph 24. In the second sentence, it should be made clear that Mr. McCarthy, who had addressed the Committee on the subject of a resolution of the Commission on Human Rights, was a representative of the Office of the High Commissioner for Human Rights and not of UNHCR.

40. In paragraph 22, the last sentence would be maintained only if the Committee had the time, at the current session, to continue discussion of issues raised at the 8th and 9th Meetings of persons chairing the treaty bodies. There was also a proposal, again subject to the Committee having time to consider Mrs. Angela King's letter before the end of the session, to add to paragraph 22 a text appearing in square brackets in the informal document containing amendments. Lastly, the report might also mention a suggestion by Mr. Zakhia to the effect that the Committee's recommendations should be widely disseminated in connection with the commemoration of the fiftieth anniversary of the Universal Declaration.

41. The CHAIRPERSON suggested that the Committee should adopt paragraphs 21 and 22 subject to the possible addition of passages relating to matters which had not yet been considered.

42. Paragraphs 21 and 22 were adopted with that reservation.

Paragraph 23

43. Ms. EVATT said that the title of section J should read: "Minimum humanitarian standards - fundamental standards of humanity".

44. Paragraph 23 was adopted.

Paragraph 24

45. Ms. EVATT said that the sentence concerning Mr. McCarthy which had originally appeared in paragraph 21 had been transferred, possibly to the beginning of paragraph 24. She would decide later where the sentence should go.

46. Paragraph 24 was adopted with that reservation.

Paragraphs 25 and 26

47. Mr. POCAR proposed that those two paragraphs should be redrafted in the following manner: paragraph 25 would stop at the end of the third sentence and paragraph 26 would consist of the remainder of paragraph 25, namely, its fourth and fifth sentences. There would be nothing about the contents of the general comment which the Committee intended to draft.

48. Paragraphs 25 and 26, as orally amended, were adopted.

Paragraph 27

49. Paragraph 27 was adopted.

Paragraph 28

50. Ms. EVATT drew attention to a proposal to include the words "with experience in the Committee's work" in the last sentence after the words "professional and other staff". The paragraph might have to be expanded if the Committee's representations met with success.

51. Mr. LALLAH said that he would prefer paragraph 28 to be couched in more emphatic terms. The Committee should express regret that the urgent requests it had made over the past 10 years with a view to obtaining the resources to which it was entitled by virtue of article 36 of the Covenant had gone unheeded. It should also add that the restructuring of the staff and the appreciable reduction in the workforce of the Office of the High Commissioner for Human Rights had, as had been stated in the preceding annual report, led to a deterioration of the working conditions of the Committee.

52. The CHAIRPERSON said that the paragraph would be amended along the lines suggested by Mr. Lallah.

53. Paragraph 28, as orally amended, was adopted.

Paragraph 29

54. Ms. EVATT proposed that the sentence appearing in square brackets should be maintained, since it reflected a decision taken by the Committee.

55. Paragraph 29, as orally amended, was adopted.

Paragraph 30

56. Mr. POCAR proposed the deletion of the country name appearing in square brackets at the end of the paragraph.

57. Paragraph 30, as orally amended, was adopted.

Paragraph 31

58. Paragraph 31 was adopted.

Paragraph 32

59. Ms. EVATT proposed spelling it out that the Committee's request for the work of publishing decisions adopted under the Optional Protocol to be speeded up was being made for the third time.

60. Paragraph 32, as orally amended, was adopted.

Paragraph 33

61. Ms. EVATT said that the first sentence of paragraph 33 should be amended to indicate that the publication of the second volume of its views had been in abeyance for three years. The question of documentary records should, in her view, form the subject of a separate paragraph, as proposed under 33 B in the unofficial document containing amendments proposed by the Rapporteur. The point of the proposal was to request that everything relating to the work of the Committee which had not been published in the Official Records should be made available on the database, which could be consulted on the Website of the Office of the High Commissioner for Human Rights.

62. Mr. BUERGENTHAL pointed out that what the Committee adopted were "views", without the qualifying adjective "final".

63. Mr. SCHEININ suggested that the first sentence of the proposed paragraph 33 B should mention all the decisions and views adopted under the Optional Protocol. Taking up another point, he thought that the lists of issues prepared in connection with the consideration of the reports of States parties should not be treated as a separate category of documents but should simply be incorporated in the Official Records in the summary records of meetings, thus making them easier to read.

64. Mr. POCAR shared that view.

65. Ms. EVATT said that the last sentence of paragraph 33 B would be amended along those lines.

66. Paragraph 33 was adopted with the addition of the text of paragraph 33 B and with the amendments introduced orally.

Paragraphs 34-37

67. Paragraphs 34-37 were adopted.

Paragraph 38

68. Ms. EVATT said that the document of the Task Force mentioned in paragraph 38 would need a number if it was to be annexed to the report.

69. Paragraph 38 was adopted.

Paragraph 39

70. Paragraph 39 was deleted.

Paragraph 40

71. Paragraph 40 was adopted.

Paragraph 41

72. Ms. EVATT asked whether the Committee wished to maintain the text appearing in square brackets.

73. Mr. POCAR said that he was in favour of maintaining the text in question, but proposed that its first sentence should be amended to indicate that the Committee itself, without going through the Meeting of chairpersons of treaty bodies, had requested specific work to be undertaken to facilitate the universal ratification of the instruments, and that the words "which are the normative expression of the Universal Declaration of Human Rights" at the end of that sentence should be amended to read "which, together with the Universal Declaration of Human Rights, constitute the Universal Bill of Human Rights".

74. Paragraph 41, as orally amended, was adopted.

Paragraph 42

75. Mr. POCAR proposed that the third sentence should be made stronger by being amended to read: "In that connection, while pressing such States to clarify their position with regard to the rights at issue, the Committee reaffirms that a reservation ...", etc.

76. Paragraph 42, as orally amended, was adopted.

Paragraph 43

77. Paragraph 43 was adopted.

Paragraph 44

78. Ms. EVATT said that the date of the adoption and entry into force of the rules of procedure should be amended to read "11 August 1997". The symbol of the document containing the rules of procedure would be incorporated in the paragraph.

79. Paragraph 44, as orally amended, was adopted.

Paragraph 45

80. Paragraph 45 was adopted subject to the deletion of the passage in square brackets.

Paragraph 46

81. Ms. EVATT said that the list of countries which had submitted initial or periodic reports would have to be rectified. In particular, the name of Argentina had to be added.

82. Paragraph 46 was adopted subject to subsequent correction.

Paragraph 47

83. Ms. EVATT said that the paragraph should also indicate that during the Committee's sixty-third session, comments on the Committee's concluding observations appearing in paragraphs 145-170 of its annual report for 1996-1997 (A/52/40) had been received from Peru, and that those comments had been referred to the Working Group of the sixty-fourth session for consideration in accordance with usual practice.

84. Paragraph 47, as orally amended, was adopted.

Paragraph 48

85. Ms. EVATT said that Macedonia's full name (The former Yugoslav Republic of Macedonia) would be inserted in the paragraph.

86. Paragraph 48, as orally amended, was adopted.

Paragraph 49

87. Ms. EVATT proposed that the list in paragraph 49 should include those States parties whose report was more than five years overdue and those which had failed to submit a special report requested by the Committee; the number of reminders sent to States parties should be omitted from the list to save the secretariat the time-consuming task of cross-checking.

88. Mr. SCHEININ proposed that only one report for each State party should be listed in the "Type of report" column.

89. Paragraph 49 was adopted with those oral amendments.

Paragraph 50

90. Ms. EVATT said that, at the suggestion of Lord Colville, the words "together with the increasing accumulation of reports to consider" had been omitted from the last sentence and that, at the proposal of Mr. Buergenthal, the second sentence of the paragraph was likewise deleted.

91. Paragraph 50, as orally amended, was adopted.

92. Chapter I (continued) and chapters II, III and IV of the draft report (CCPR/C/63/CRP.1/Add.2) were adopted.

93. Ms. Chanet resumed the Chair.

Chapter VI (CCPR/C/63/CRP.1/Add.5)

Paragraph 1

94. Paragraph 1 was adopted.

Paragraph 2

95. Mr. YALDEN proposed, in the interests of simplifying the text, that the first three sentences of paragraph 2 be deleted. The paragraph should simply state that the Committee had continued its discussion and had adopted General Comment No. 27 (63).

96. Paragraph 2, as orally amended, was adopted.

Paragraph 3

97. The CHAIRPERSON suggested that the last sentence of the paragraph, which appeared in square brackets, should be maintained in amended form indicating that the Committee had taken note of the observations contained in Mr. Joinet's letter and would take them into account in due course when envisaging the review of its General Comment No. 5 (13). No work had as yet been undertaken in that respect and review of the General Comment was at present only in the project stage.

98. Paragraph 3, as orally amended, was adopted.

Paragraphs 4 and 5

99. Paragraphs 4 and 5 were adopted.

100. Chapter VI of the draft report (CCPR/C/63/CRP.1/Add.5) was adopted.

Chapter VII (CCPR/C/63/CRP.1/Add.4)

Paragraph 1

101. Mr. SCHEININ, referring to the last sentence of paragraph 1, said that since the question of the denunciation of the Optional Protocol by Jamaica and Trinidad and Tobago was already covered in chapter I of the draft report, it did not have to be mentioned again in chapter VII.

102. The CHAIRPERSON shared that view. The last sentence of the paragraph was therefore deleted.

103. Paragraph 1, as orally amended, was adopted.

Paragraph 2

104. Mr. SCHEININ proposed that the positions of the second and third sentences of the paragraph be reversed in the interests of logic and of conformity with rule 96 of the rules of procedure.

105. Paragraph 2, as orally amended, was adopted.

Paragraphs 3-7

106. Paragraphs 3-7 were adopted.

Paragraph 8

107. Mr. SCHEININ proposed, for the sake of greater accuracy, that the second sentence be amended to read: "Decisions of the Committee declaring communications to be admissible are not published".

108. Paragraph 8, as orally amended, was adopted.

Paragraphs 9-14

109. Paragraphs 9-14 were adopted.

Paragraph 15

110. Mr. POCAR proposed the addition of the words "and on the merits" at the end of the third sentence of paragraph 15, the Committee having adopted the practice of requesting States parties for information relevant both to admissibility and to the merits of the communication.

111. Paragraph 15, as orally amended, was adopted.

Paragraphs 16-29

112. Paragraphs 16-29 were adopted.

Paragraphs 30 and 31

113. Mr. POCAR proposed the deletion of paragraphs 30 and 31. The Committee had not had to consider any communications that might have been declared inadmissible ratione temporis in the period covered by the draft report.

114. Paragraphs 30 and 31 were deleted.

Paragraphs 32-60

115. Paragraphs 32-60 were adopted.

116. Chapter VII of the draft report of the Committee (CCPR/C/63/CRP.1/Add.4) was adopted.

Chapter VIII (CCPR/C/63/CRP.1/Add.8)

Paragraphs 1-11

117. Paragraphs 1-11 were adopted.

Paragraph 12

118. Mr. LALLAH inquired whether the Committee or its Special Rapporteur for the Follow-Up on Views had reacted to the State party's affirmation that "'lawfulness' only refers to domestic law", as stated at the end of paragraph 12. It seemed to him that such an interpretation was difficult to accept.

119. Ms. EVATT said that she shared the concern expressed by Mr. Lallah. The reason why no follow-up measure had been taken in that case was that the Committee had been unable to contact a representative of the State party either in New York or at Geneva owing to lack of funds and to the inadequacy of staff resources in the Office of the High Commissioner for Human Rights. In that connection, she referred to paragraph 31 of chapter VIII of the draft report, in which the Committee expressed its serious concern over that situation.

120. Paragraph 12 was adopted.

Paragraphs 13-22

121. Paragraphs 13-22 were adopted.

Paragraph 23

122. The CHAIRPERSON thought that the passage appearing in square brackets in the first sentence of the paragraph should be deleted. Chapter VIII of the report dealt with follow-up to the Committee's views, not with complaints pending before the Committee.

123. Mr. LALLAH and Mr. SCHEININ shared that view.

124. Paragraph 23, as orally amended, was adopted.

Paragraphs 24-27

125. Paragraphs 24-27 were adopted.

Paragraph 28

126. Ms. EVATT proposed that the paragraph should be maintained and the square brackets deleted.

127. Mr. LALLAH seconded that proposal and suggested further that the word "finds" should be replaced by the word "decides".

128. Paragraph 28, as orally amended, was adopted.

Paragraphs 29 and 30

129. Paragraphs 29 and 30 were adopted.

Paragraph 31

130. The CHAIRPERSON said that the reference to the Centre for Human Rights appearing in the first sentence of the French text should be replaced by a reference to the Office of the High Commissioner for Human Rights. She further suggested the deletion of the words "in New York" from the third sentence.

131. Paragraph 31, as orally amended, was adopted.

132. Chapter VIII of the draft report of the Committee (CCPR/C/63/CRP.1/Add.8) was adopted.

133. The CHAIRPERSON invited members of the Committee to consider the draft annexes to the report, some of which had been distributed in unofficial documents in English only.

134. Ms. EVATT said that in the last sentence of section A of annex I (CCPR/C/63/CRP.1/Add.9) the word "China" should be replaced by "People's Republic of China". She also stated that the authorities of that State party had recently reiterated to the Chairperson of the Human Rights Committee their undertaking to submit a report concerning Hong Kong in August 1998.

135. With regard to annex IV (unofficial document), she said, first, that the situation with regard to the initial report of Bosnia and Herzegovina would have to be verified. Secondly, she suggested that no reference to the Hong Kong Special Administrative Region should be included as the Committee was shortly to receive a report in that connection. Thirdly, the Committee would have to decide whether or not Kazakhstan and Tajikistan should be included in the list. Lastly, some of the dates would have to be amended so as to reflect decisions adopted by the Committee over the past year. It would be seen that the draft annex contained a great number of notes referring for the most part to decisions to extend the deadline for the submission of a report. In the interests of greater simplicity, she proposed that in future years there should be only one note listing all cases in which the Committee had set a new deadline for the submission of a report. Finally, she asked the Committee to choose between several possible forms in which the list might be prepared. One possibility would be to indicate the latest report from the State party received (but not yet considered) by the Committee. Another would be to list the reports which were due but had not yet been received. Where no report from the State party in question was pending examination or overdue, a third possibility would be to indicate the next periodic report not yet due. Annex IV would be redrafted depending on the decision taken, it being understood that the column indicating the number of reminders sent to States parties was to be deleted.

136. Mr. SCHEININ said that, whatever the solution adopted, he was in favour of listing only one report for each State party. That would also solve the problem of over-abundance of notes, since the Committee would mention only one date, namely, that set for the submission of a report under the periodicity rule or whatever other date the Committee considered appropriate.

137. Mr. POCAR, referring to the question whether Kazakhstan and Tajikistan should be included in the list, recalled that the Committee had decided that the guarantees provided under the Covenant continued to apply to persons residing in the territory of those two States. With regard to the submission of periodic reports, the situation might be a little different in that the relevant obligation could perhaps derive from a declaration of succession. That being so, the Committee might decide to include Kazakhstan and Tajikistan in the list appearing in annex IV without, however, specifying the dates on which they were required to submit a report to the Committee. The situation with regard to those two States might also be explained in a note.

138. The CHAIRPERSON noted that a consensus appeared to be emerging in favour of including Kazakhstan and Tajikistan in the list without any reference to the date for the submission of a report and with the addition of an explanatory note.

139. It was so decided.

140. Ms. EVATT drew attention to a typing error in the title of document CCPR/C/63/CRP.1/Add.11. That document contained draft annex VI and not annex V, as shown. Annex V (Status of reports during the period under review and still pending before the Committee) was to be found in an unofficial document which had been distributed in English only. Whereas in previous annual reports annex IV had listed the States parties in alphabetical order, the draft now before the Committee listed the reports starting with the report which was longest overdue and ending with the one that was least overdue. The idea behind the change was to bring out more clearly the order of priorities which the Committee should adopt with regard to the consideration of reports.

141. Lord COLVILLE remarked that the inclusion of Italy in the list was incorrect. The fourth periodic report of Italy had been considered at the current session.

142. Mr. POCAR suggested that section E entitled "Additional information submitted subsequent to the examination of initial reports by the Committee", which he thought confusing, should be deleted.

143. Ms. EVATT fully endorsed that suggestion, adding that some of the dates appearing in section E were incorrect and that, in any case, there was little point in reproducing the section in the annual report year after year.

144. The draft annexes to the annual report of the Committee, as orally amended, were adopted.

145. The draft annual report of the Committee, as orally amended and subject to editorial changes to be made by the secretariat, was adopted.

146. Mr. POCAR, reverting to a point relating to the procedure for the consideration of communications received under the Optional Protocol, referred to paragraph 10 of chapter VII of the annual report (CCPR/C/63/CRP.1/Add.4), which invoked the provisions of rule 91 (2) of the Committee's revised rules of procedure (CCPR/C/3/Rev.5). Given the interval of time between sessions of the Committee, it sometimes happened that a State party submitted comments only on the admissibility of a communication, but the Working Group was unable to consider them before the expiry of the six-month time limit set for the submission of information or comments on both the admissibility and the merits of the communication. Clearly, that gave rise to a problem. Where the Working Group had not yet considered the case, one possible solution might be to refer the case to the Special Rapporteur on new communications, who could either request the State party to comment both on admissibility and on the merits or ask for an extension of the time limit for the submission of information on the merits. The former solution gave rise to a further difficulty, namely, that by requesting a State party to submit information on both admissibility and merits the Committee could appear to imply that it

already considered the communication to be admissible, since otherwise the State party's comments on the merits would serve no purpose. In order to avoid such an interpretation, the Special Rapporteur might perhaps explain that the request addressed to the State party was without prejudice to the Committee's decision on the communication's admissibility. In his capacity as Special Rapporteur on new communications he would be glad to hear the views of other Committee members on that question.

147. Mr. KRETZMER remarked that the procedure envisaged under the provisions of rule 91 (3) of the Committee's revised rules of procedure should make it possible to find a satisfactory solution to the problem raised by Mr. Pocar.

148. The CHAIRPERSON, speaking on behalf of all members of the Committee, thanked Ms. Evatt for preparing the draft annual report of the Committee under conditions which, that year, had been particularly difficult.

The meeting rose at 6.05 p.m.